

REMARKS

Applicants respectfully request reconsideration. Claims 1-42 were previously pending in this application. Claims 1, 3, 5, 15, 18, 20, 30, 33, and 35 have been amended. Claims 2, 4, 16, 17, 19, 31, 32, and 34 have been canceled. As a result, claims 1, 3, 5-15, 18, 20-30, 33, and 35-42 are pending for examination with claims 1, 15, and 30 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §102

a. Faris

The Office Action rejected claims 15 and 30 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,537,144 ("Faris"). Applicants respectfully disagree.

The Office Action asserts that Faris teaches an eye-glass frame (element 9, Figure 6) that serves as the positional holder for holding polarization retarder (element 28), which serves as a polarization direction converting means, and a polarization means comprising a first polarization plate portion and a second polarization plate portion (element 29). The Office Action asserts that the positional relationship between elements 28 and 29 are adjustable because the eyeglass frame of Faris is worn by an observer and the movement of the observer will make [sic] the positional relationship between elements 28 and 29. Applicants respectfully disagree.

The eyeglass frame of Faris may hold the positional relationship between elements 28 and 29, and the eyeglass frame may be worn by an observer, but the *positional relationship is not adjustable* as a result of the movement of the observer. Rather the positional relationship between the eyeglasses (and associated elements) and the display screen would vary as a result of the observer movement. The positional relationship between elements 28 and 29 would only vary if the elements could be moved *relative to each other*. Faris does not teach that the eyeglasses allow for the adjustment of the positional relationship between elements 28 and 29.

Nowhere does Faris teach that the *positional relation is adjustable*, as recited in claims 15 and 30.

Therefore, it is respectfully asserted that claims 15 and 30 patentably distinguish over Faris, such that the rejection of claim 15 and 30 under §102 as purportedly being anticipated by Faris should be withdrawn.

b. Rosenswaig

The Office Action rejected claims 1-2, 4-6, 15-17, 19-21, 30-32, and 34-36 under 35 U.S.C. §102 as being anticipated by International Application Published under the PCT WO95/00872 (“Rosencwaig”). Applicants respectfully disagree.

Claim 1

The Office Action asserts that the glasses (elements 140 and 146 of Figure 4) of Rosencwaig, which serve as a polarization means positioned over the viewer’s eyes implicitly include a frame that serves as a position holding mechanism for holding the positional relationship between the polarization means (glasses having elements 140 and 146) and the polarization direction converting means (element 134) to achieve stereoscopic vision. Applicant disagrees and notes that the frame of the eyeglasses may hold the positional relationship between elements within the eyeglasses (elements 142, 144, and 148) but *the frame of the eyeglasses does not hold the positional relationship between the eyeglass elements (elements 142, 144, and 148) and the polarization direction converting means 134 of the display*. Rather, if an observer wearing the eyeglasses were to move, then the positional relationship between the eyeglass elements and element 134 of the display would change. Thus the positional relationship between any supposed eyeglasses and the display elements is simply not held by any mechanism of Rosencwaig.

Nowhere does Rosencwaig teach that a position holding mechanism for holding a positional relation between said polarization means and said polarization direction converting means, as recited in claim 1.

Therefore, it is respectfully asserted that claim 1 patentably distinguish over Rosencwaig, such that the rejection of claim 1 under §102 as purportedly being anticipated by Rosencwaig should be withdrawn.

Claims 15 and 30

The Office Action asserts that Rosencwaig teaches a pair of eye-glasses (elements 150 and 156 of Figure 5) that is positioned over the viewer's eyes that implicitly include a frame that serves as a position holder for holding the eye-glasses which, include a polarization retarder (elements 152 and 158) that serves as the polarization direction converting means, and a first polarization plate portion (element 160) and a second polarization plate portion (element 154) that together serve as the polarization means. The Office Action asserts that the implicit eyeglass frame serves to hold the positional relationship between the polarization direction converting means and the polarization means.

The Office Action then asserts that the positional relationship between the polarization direction converting means and the polarization means is adjustable because the eyeglass frame of Rosencwaig is worn by an observer and the movement of the observer will make [sic] the positional relationship between the polarization direction converting means and the polarization means within the eyeglass frame. Applicant disagrees. The eyeglass frame would actually maintain the positional relationship between elements of the eyeglasses and hence would not allow for the relative adjustment between the eyeglass elements.

Nowhere does Rosencwaig teach that the *positional relation is adjustable*, as recited in claims 15 and 30.

Therefore, it is respectfully asserted that claims 15 and 30 patentably distinguish over Rosencwaig, such that the rejection of claim 15 and 30 under §102 as purportedly being anticipated by Rosencwaig should be withdrawn.

Rejections Under 35 U.S.C. §103

The Office Action rejected claims 1-2, 6-7, 9-10, 12-14, 15-17, 22, 24-25, 27-29, 30-32, 36-37, and 39-42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,222,672 ("Towler") in view of U.S. Patent No. 5,075,655 ("Petersen").

The Office Action rejected claims 1-2, 6-7, 10, 12-14, 15-17, 22, 25, 27-29, 30-32, 36-37, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over Towler in view of U.S. Patent No. 6,417,894 ("Goff").

The Office Action rejected claims 8, 23, and 38 under 35 U.S.C. §103(a) as being unpatentable over Towler in view of Petersen and further in view of U.S. Design Patent No. Des. 383,121 (“Sebastian”).

The Office Action rejected claims 8, 23, and 38 under 35 U.S.C. §103(a) as being unpatentable over Towler in view of Goff and further in view of Sebastian.

The Office Action rejected claims 9, 24, and 39 under 35 U.S.C. §103(a) as being unpatentable over Towler in view of Goff and further in view of Petersen.

The Office Action rejected claims 3, 13, 14, 18, 28, 29, 33, and 42 under 35 U.S.C. §103(a) as being unpatentable over Rosencwaig.

The Office Action rejected claims 7, 9-12, 22-24-27 [*sic*], 36, and 39-42 under 35 U.S.C. §103(a) as being unpatentable over Rosencwaig in view of Petersen.

The Office Action rejected claims 8, 23, and 38 under 35 U.S.C. §103(a) as being unpatentable over Rosencwaig in view of Petersen and further in view of Sebastian.

Applicants do not concede that the aforementioned rejections are proper, however, the rejections are moot in light of the claim amendments.

Claim 1 has been amended to include the features of previously pending claim 4 (and intervening claim 2). Since claim 4 was not rejected under any of the 103 rejections, the 103 rejection of claim 1, and claims that depend thereon, should be withdrawn.

Claim 15 has been amended to include the features of previously pending claim 19 (and intervening claims 16 and 17). Since claim 19 was not rejected under any of the 103 rejections, the 103 rejection of claim 19, and claims that depend thereon, should be withdrawn.

Claim 30 has been amended to include the features of previously pending claim 34 (and intervening claims 31 and 32). Since claim 30 was not rejected under any of the 103 rejections, the 103 rejection of claim 30, and claims that depend thereon, should be withdrawn.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the

allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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